



BULLETIN

Board News and Enforcement Actions

<http://www.dca.ca.gov/pels>

No. 25, Spring 1999

CALIFORNIA BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

EXECUTIVE OFFICER'S UPDATE

Cindi Christenson, P.E.

I'm sitting at my desk on Wednesday, April 6 — yet another dreary rainy day — with my beloved editor breathing down my neck, asking me where my article is. It was due over two weeks ago, but I find that I become extremely “busy” whenever I have to draft this article. For instance, it becomes urgent that I manage by wandering around the office. I started out at the reception area and was pleased to see that the receptionists have adjusted to the new applicant tracking system. Before this system was in place, when requests for applications came in, the receptionists would write the name, address, and date of request on one of the labels on an 8 ½ x 11 inch page. Later they would photocopy the page(s) for record keeping purposes and peel off the labels to mail out the applications. Now, when applicants call in, the receptionists key the name, address, and social security number into the computer, and labels are printed on a daily basis.

Next, I went over to “visit” with the evaluators. Three evaluators process the professional engineer and professional land surveyor applications, and a fourth processes the engineer-in-training and land surveyor-in-training applications. They told me that the new system has created more work for them because more data entry is required. And, because bugs are still being worked out, there have been glitches that have caused double entry. We have additional temporary staff assisting us to make certain that all hard copy applications are accounted for on the system. I assured the evaluators that all of this extra work is beneficial because we have the potential to generate better management reports. I then made the mistake of saying



that a form redesign might be in order. Based on the looks on their faces, I felt like a manager in a Dilbert cartoon. I decided to go elsewhere.

At this point it was necessary that I “visit” with the engineers in the office. This made me feel more at home. There are three engineers on staff: two registered civil engineers and a registered mechanical engineer. I started with this Board over ten years ago as the mechanical engineer on staff and was responsible for the technical evaluation of applications. I was glad to hear that not much has changed. The majority of applications are nonproblematic.

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Internet Address

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(for general information, full text of
Board Laws and Rules, Policy
Resolutions, Consumer Guide,
Complaint Form, Address & Name
Change Affidavits, Organization
Record, Disassociation Notice)

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New Agency Secretary, Department Director Appointed by Governor

On January 27, Governor Gray Davis appointed Kathleen Hamilton as Director of the Department of Consumer Affairs. Hamilton served from 1995-1998 as deputy chief of staff and senior advisor to Davis when he was California's Lieutenant Governor. Her duties included policy work in labor, consumer protection, health care, and women's and children's issues. Ms. Hamilton also served as the head of the California Health Facilities Financing Authority from 1991-1993. One of her early jobs in government, in the mid-1970s, was as a legislative director for the Los Angeles County Consumer Affairs Department, which she followed by serving as Director of the Consumer Affairs Department for Stanislaus County. Hamilton recently told a reporter for the *Sacramento Bee* newspaper that there are several things she hopes to do as DCA's director, including reenergizing DCA's historic emphasis on the consumer. Ms. Hamilton is an alumna of Boston University. DCA is one of the departments reporting to the State and Consumer Services Agency.

Governor Davis appointed Aileen Adams to the position of Secretary to DCA's parent agency, the State and Consumer Services Agency, on January 5. From 1994 to 1997, Ms. Adams held a presidential appointment as Director of the Office for Victims of Crime within the Justice Department. She has worked in many areas of the criminal justice system, including as a consumer fraud prosecutor and a probation officer. As a Los Angeles Deputy City Attorney in the Consumer Protection Section in the 1970s and 1980s, she helped establish California's first Nursing Home Patients' Bill of Rights and Elderly Abuse Law. Ms. Adams is a graduate of Smith College and Howard University Law School.

In addition to DCA, the agencies under State and Consumer Services include the Franchise Tax Board, Department of General Services, Building Standards Commission, Department of Fair Employment and Housing, State Personnel Board, Public Employees' Retirement System, and the State Teachers' Retirement System. ♦

ONLY ONE "OFFICIAL" DATABASE OF CALIFORNIA ENGINEERS & LAND SURVEYORS

Board staff members have spoken to many engineers and land surveyors who have been told they aren't on the "official database" of licensed engineers and land surveyors. The only official database is the one maintained by the Department of Consumer Affairs. Some agencies have purchased a copy of the DCA files and integrated them into their local databases. Unfortunately, their information on Board licensees is not up-to-date. Because of security concerns, it is not possible for any other government entity to access the official data. If you run into a problem with someone using a database other than DCA's, suggest they place a telephone call to this Board at (916) 263-2222 or check DCA's Internet license lookup site for current information from the Board's records. ♦

SCHEDULE OF COMMITTEE AND BOARD MEETINGS

June 3 & 4, 1999

*Ontario Airport Marriott
2200 E. Holt Boulevard
Ontario, CA 91761*

July 22 & 23, 1999

*Doubletree SF Airport North
835 Airport Boulevard
Burlingame, CA 94010*

August 4 - 7, 1999

*NCEES Annual Meeting
Buffalo, NY*

September 16 & 17, 1999

*Ramada Limited
3900 Old Town Avenue
San Diego, CA 92110*

November 4 & 5, 1999

San Francisco Bay Area

December 16 & 17, 1999

*Board Office
2535 Capitol Oaks Dr., #300
Sacramento, CA 95833*

NOTE: Sites are dependent upon approval from the Department of Consumer Affairs. For more information, contact Jacqueline Barclay at (916) 263-1436.

Executive Officer's Update, continued . . .

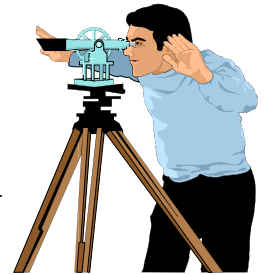


The applicant submits a complete application with the requisite reference forms and transcripts and provides a description of his or her actual work experience. However, there's the small minority of applicants who believe that the laws and regulations don't apply to them. I have often wondered if these people have special checkout lines at the grocery store of which I'm not aware.

Feeling better after my visit with the engineers, I thought I'd drop in on our land surveyor consultant. We continue to look for answers for the recent 1.9% pass rate.

We rehashed the focus group meeting where several individuals from throughout the state assisted us in looking for answers.

College professors who teach land surveying at four-year colleges, review-course instructors, private practitioners, public government practitioners (including a county surveyor), and two individuals who failed the 1998 examination were invited. Their feedback has focused us on looking at the complexity of multiple choice problems, the overall length of the examination, applicant qualifications, and the increased on-the-job use of computers and electronic instrumentation. It was suggested that the Board consider releasing problems from past examinations so that candidates have a better feel for the types of questions they will be asked. The consultant and I also discussed the results of the survey performed by the California Land Surveyors Association (CLSA) and the statistics compiled by the Board on applicants who have taken the test within the past five years. One statistic was very clear — individuals who have graduated from a four-year land surveying or engineering program have a higher pass rate.



Still not ready to settle down in front of the computer, I wandered over to the examination administration and development area, which is managed by the engineers. There, six staff members are responsible for a multitude of tasks. The Board purchases the majority of its examinations from the National Council of Examiners for Engineering and Surveying. These examinations are the same ones administered throughout the nation. We also develop our own state-specific examinations — the land surveying, geotechnical engineering, structural engineering, traffic engineering, seismic principles, and engineering surveying examinations. This is a continual process and is a collaborative effort among Board staff, our vendor (PMES), and California-licensed engineers and surveyors. With the April examination right around the corner, the exam unit was also busy preparing examination materials and recruiting and training proctors to assist in the administration of the examinations. Typically, the examinations are offered at five sites and we hire nearly 300 proctors to assist in the administration of tests for up to 10,000 applicants. I am relieved to see that all is going well in both areas of exam administration and development and feel that I am getting close to having enough time to write this article.

As I work my way back to my desk, I realize that it is near the end of the month (remember this article was due in late March), and there are several enforcement cases that require my review. Our newly established outreach program to local government agencies has promoted an increase in

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enforcement cases at the Board. Enforcement is often our most-criticized program because of a real or perceived lack of activity. For instance, our statistics are compared to other Department of Consumer Affairs (DCA) boards and bureaus, and, based upon our licensee population, the number of enforcement cases is rather low. This can be attributed to several things. First, by having an education-, examination-, and experience-based system of licensing in place, we weed out many incompetent practitioners. Second, most engineers deal with other engineers, and many practitioners are reluctant to turn in a peer. Third, many cases that should be brought to our attention may be settled in civil court. And, finally, we really do not have the fiscal or staff resources to run a proactive program. We are currently working on developing a technical inspector program whereby we would use licensees to visit local agencies or companies that may not be in compliance with our laws and rules.

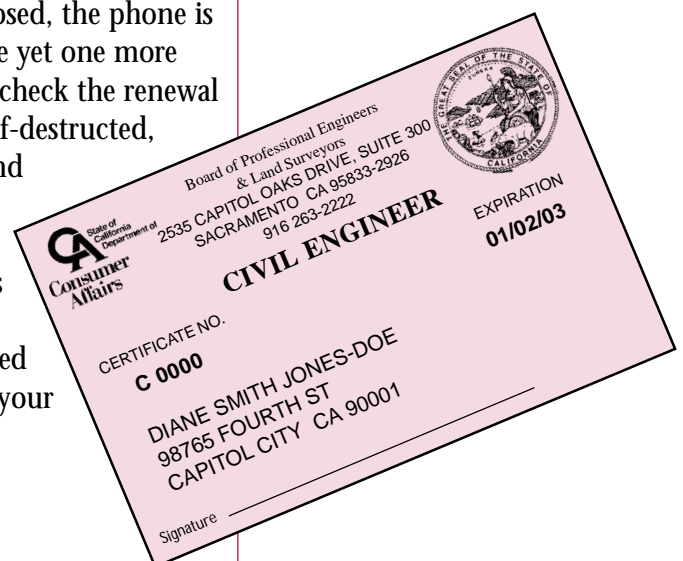
By now, my fingers are beginning to twitch, and I head over to tell our editor that good things come to those who wait. While there, I am advised that we are the first DCA board to have several of our website forms in a “fillable” format — they can be filled-in on the computer, printed out, signed, and mailed. Also, I am told that the roster is online and that by the time you’re reading this, the DCA license lookup project should be complete so that anyone with Internet access will be able to look up a licensee by entering a name or a license number. And, the editor goes on to say, if my article is ever completed she can finish up the newsletter. OK, I get the hint.

Doing the happy dance back to my desk, I am stopped by one of the civil engineers, who tells me that she is working on getting the plastic ID card program up and running and was wondering if we could use a bridge as a graphic. I think it’s a neat idea, but suggest that she discuss this with our legal office, because there may be some obscure law we could violate by doing so. For those of you wondering what the plastic ID program is, they are currently referred to as pocket ID’s, they are made of thin, green paper, and they do not hold up very well over the four-year renewal period. We currently recommend that you laminate them for protection. In the future, however, they will be generated on plastic credit card stock. We hope to have this program in place in late November through February.

I am now in my office, my computer is on, the door is closed, the phone is in the “do not disturb mode” and I am ready to go. But I have yet one more important item. Would you, the readers of this article, please check the renewal date that is printed on your pocket ID? If it has somehow self-destructed, you can either look yourself up on the website or call us up and we can check it for you. Why am I asking this? Because current laws and regulations require that those individuals who have allowed their licenses to lapse more than three years past the expiration date must submit a new application for consideration by the Board. In some cases, you may be required to be reexamined if you are otherwise unable to demonstrate your competency. ♦

Speakers Available

Members and staff of the Board are available to speak to your professional association, staff meeting, or college class upon request. Face-to-face communication with current and future licensees is an important part of the Board’s role. Meetings provide the opportunity for two-way communication, allowing the Board to hear comments and concerns from the engineering and land surveying professions. Please contact the Board office if you would like a representative to attend a future meeting, and let us know if there is a specific topic you would like addressed.



Mission Statement

The mission of the Board for Professional Engineers and Land Surveyors is to safeguard the life, health, property, and public welfare by regulating the practice of professional engineering and professional land surveying.

We:

Qualify and license individuals

Establish regulations

Enforce laws and regulations

Provide information so that the public can make informed decisions.

Vision Statement

The Board assures that:

Qualified applicants are licensed as quickly as possible.

Licensees maintain continuing competency.

Disputes are resolved for consumers and licensees promptly and impartially.

Adequate information is available to all through a high-profile, comprehensive information program.

Violations of the law are discouraged before they happen and are investigated and adjudicated promptly when committed.

It is managed strategically and its budget is performance-based.

Legislative changes are approached proactively.

Its performance is measured against defined standards and it periodically evaluates its programs and policies in light of emerging trends, practices, and technologies.

The professional engineering and professional land surveying laws and regulations are clear, relevant, unambiguous, and functional.

It will attract highly competent staff who contribute to the integral success of the Board and will maintain a work environment where employees are satisfied and produce because they feel valued and challenged.

OCTOBER 1998 EXAM STATS

Discipline		# Tested	# Passed	% Passing	Cutscore
E-I-T		1986	879	44.3%	70/100
L-S-I-T		113	43	38.1%	103 of 170
Chemical		52	18	34.6%	48 of 80
Electrical		266	83	31.2%	48 of 80
Mechanical		339	133	39.2%	48 of 80
Civil	Princ & Prac	1540	551	35.8%	48 of 80
	Seismic	1546	681	44.0%	139 of 294
	Survey	1610	673	41.8%	164 of 294
Geotechnical		83	22	26.5%	513 of 986
Industrial		10	3	30.0%	44 of 80
Manufacturing		3	0	0%	48 of 80
Metallurgical		5	4	80%	48 of 80
Nuclear		2	2	100%	45 of 80
Petroleum		17	8	47.0%	48 of 80
Agriculture		1	0	0%	48 of 80
Fire Protection		37	21	56.8%	51 of 80
Control Systems		15	12	80%	43 of 80
Corrosion		12	7	58.3%	89 of 145
Quality		10	6	60%	99 of 147
Safety		18	8	44.4%	104 of 149
Traffic		89	58	65.2%	75 of 115
Structural		272	71	26.1%	512 of 947
Total Number of Exams Administered:				8,031	

Historic Bridge Reopens

The Mountain Quarries Bridge, also known as No Hands Bridge, is officially reopened. Bridge repairs were delayed by El Niño, but were completed at the end of 1998. When built in 1911, the Placer County bridge was the longest concrete arch railroad bridge in the world. It crosses the American River near the city of Auburn and had been an important bridge for many pedestrians, cyclists, and equestrians enjoying the scenic beauty of the American River Canyon. In 1995, a Bureau of Reclamation underwater investigation noted that the middle pier of the bridge was sagging and the top of the bridge tipped upstream. At that time, the bridge was closed to the public, although it was opened two times for the 100-mile Tevis Cup 24-hour endurance ride from Squaw Valley to Auburn and for the Western States 100-Mile Endurance run. Public support and fund-raising were important in the efforts to have the bridge repaired and reopened. ♦

What's New at <http://www.dca.ca.gov/pels?>

License Lookup, Exam Information, Minutes of Board Meetings, and News Releases

Minutes of Board meetings are now available on the Board website. Official Department of Consumer Affairs (DCA) news releases about this Board are now posted online, and the Exam Information section has some general information and will be expanded in the next few months to include much more information for applicants. As the Board fulfills its mission to inform and protect California consumers, it is also moving to use the Internet to provide information specifically for licensees and applicants.

Access to up-to-date information about the license status of all California professional engineers and land surveyors is valuable to licensees and consumers. Traditionally, this information has been available only by contacting the Board office. The Board's Roster, printed every two years, contains a "snapshot" of one day's data about California's engineers and land surveyors. The 1998 issue is 768 pages of names and numbers in tiny print. Copies cost \$50 each to format, print, and mail, but they are out-of-date before they're off the press. Licenses are issued and renewed every day, and addresses of record change frequently. Board staff responds to hundreds of phone calls every week to verify the current status of a licensee, to ask for records of disciplinary activity, or to find out who holds a license number.

Earlier this year, as a stopgap measure during development of an all-new license lookup feature, Adobe Portable Document Format (pdf) files of the roster as of October 31, 1998 were added to the website. While better than a poke in the eye with a sharp stick, these files are still static. Also, heavy Internet traffic affects whether or not you'll be able to open the file(s) you want. Those who have tried over and over to open a file won't miss this feature.

Soon we'll be fully online. The license lookup feature being prepared by the DCA information services staff will allow anyone to search for a California-licensed engineer or land surveyor by license number or name. The information is from the official Department of Consumer Affairs database, and will be updated weekly.

This means, among other things:

- If you allowed your license to become delinquent, it will move off the delinquent list when your renewal is processed.
- Names of newly licensed engineers and land surveyors will be on-line shortly after they've been notified they passed their exams.
- Your address of record, which has always been printed in the Roster, will be more readily available to the general public.
- Disciplinary actions (taken against fewer than .025% of licensed engineers and land surveyors) will be noted.

The new license lookup feature is close to being ready. Check weekly to see if it is online. Traffic may be heavy — if it is, please be patient. Try a couple of different times of the day, and then send your feedback about the new feature to bpels@dca.ca.gov. Take time to read all the disclaimers; the DCA's legal staff has worked hard to anticipate your questions and concerns. ♦

Summary of Business and Professions Code Section 27

27. (a) Every entity specified shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by a board and other related enforcement action taken by a board relative to persons, businesses, or facilities subject to licensure or regulation by a board. . . . The information shall not include personal information including home address (unless used as a business address), home telephone number, date of birth, or social security number.

The full text is on page 85 of the *1998 Handbook of Laws and Rules* and on the Internet at <http://www.loginfo.ca.gov>

EXAMINATION SCHEDULE 1999-2003

Exam Schedule Notes

The Board reserves the right to amend this schedule without advance notice. Civil applicants applying for comity (reciprocity) in the State of California must comply with the final filing dates, as they are required by law to take and pass special exams on seismic principles and engineering surveying. The Board does not allow extensions of the final filing dates pending notification of previous test results of EIT/LSIT exams.

YOU DO NOT NEED AN ACCREDITATION SERVICE

Transcripts of your education records, certified by your educational institution, are the only verification of education the Board accepts. It has come to staff members' attention that there are firms advertising they will research an applicant's educational record and forward information to the Board to help applicants qualify for examination. This service can be quite expensive, but the "records" provided to the Board are not acceptable. Again, only certified transcripts are acceptable evidence of your education. ♦

Examination Date Final Postmark Date for Filing Engineer-in-Training (EIT/FE) and Land Surveyor-in-Training (LSIT/FLS)

October 30, 1999	(Saturday)	September 3, 1999	(Friday)
April 15, 2000	(Saturday)	February 18, 2000	(Friday)
October 28, 2000	(Saturday)	September 1, 2000	(Friday)
April 21, 2001	(Saturday)	February 16, 2001	(Friday)
October 27, 2001	(Saturday)	September 7, 2001	(Friday)
April 20, 2002	(Saturday)	February 15, 2002	(Friday)
October 26, 2002	(Saturday)	September 6, 2002	(Friday)
April 12, 2003	(Saturday)	February 14, 2003	(Friday)
October 25, 2003	(Saturday)	September 5, 2003	(Friday)

Special Civil/Seismic Principles and Engineering Surveying

October 30, 1999	(Saturday)	July 23, 1999	(Friday)
April 15, 2000	(Saturday)	January 7, 2000	(Friday)
October 28, 2000	(Saturday)	July 21, 2000	(Friday)
April 21, 2001	(Saturday)	January 5, 2001	(Friday)
October 27, 2001	(Saturday)	July 20, 2001	(Friday)
April 20, 2002	(Saturday)	January 4, 2002	(Friday)
October 26, 2002	(Saturday)	July 19, 2002	(Friday)
April 12, 2003	(Saturday)	January 3, 2003	(Friday)
October 25, 2003	(Saturday)	July 25, 2003	(Friday)

Chemical, Civil, Electrical, and Mechanical

October 29, 1999	(Friday)	July 23, 1999	(Friday)
April 14, 2000	(Friday)	January 7, 2000	(Friday)
October 27, 2000	(Friday)	July 21, 2000	(Friday)
April 20, 2001	(Friday)	January 5, 2001	(Friday)
October 26, 2001	(Friday)	July 20, 2001	(Friday)
April 19, 2002	(Friday)	January 4, 2002	(Friday)
October 25, 2002	(Friday)	July 19, 2002	(Friday)
April 11, 2003	(Friday)	January 3, 2003	(Friday)
October 24, 2003	(Friday)	July 25, 2003	(Friday)

Agricultural, Control System, Fire Protection, Geotechnical, Industrial, Manufacturing, Metallurgical, Nuclear, Petroleum, and Traffic

October 29, 1999	(Friday)	July 23, 1999	(Friday)
October 27, 2000	(Friday)	July 21, 2000	(Friday)
October 26, 2001	(Friday)	July 20, 2001	(Friday)
October 25, 2002	(Friday)	July 19, 2002	(Friday)
October 24, 2003	(Friday)	July 25, 2003	(Friday)

Land Surveying

April 14, 2000	(Friday)	January 7, 2000	(Friday)
April 20, 2001	(Friday)	January 5, 2001	(Friday)
April 19, 2002	(Friday)	January 4, 2002	(Friday)
April 11, 2003	(Friday)	January 3, 2003	(Friday)

Structural

October 29 & 30, 1999	(Fri/Sat)	July 23, 1999	(Friday)
October 27 & 28, 2000	(Fri/Sat)	July 21, 2000	(Friday)
October 26 & 27, 2001	(Fri/Sat)	July 20, 2001	(Friday)
October 25 & 26, 2002	(Fri/Sat)	July 19, 2002	(Friday)
October 24 & 25, 2003	(Fri/Sat)	July 25, 2003	(Friday)

What Enforcement Information Is Available to the Public?

At its April meeting, the Board clarified its policy regarding the disclosure of information about complaints and disciplinary actions. What follows is the text of the language the Board adopted. This is of special interest as the Board moves toward disclosure of disciplinary actions on the Internet.

It is the policy of the Board for Professional Engineers and Land Surveyors to provide information to the consumers of California regarding complaints and disciplinary actions resulting from violations of the Professional Engineers Act, the Professional Land Surveyors' Act, and/or the Regulations of the Board.

Complaints

The Board keeps records for five years of complaints against licensees and non-licensees that do not result in disciplinary action (see below) involving violations of the Professional Engineers Act, the Professional Land Surveyors' Act, and the Regulations of the Board.

During the investigation, no information concerning the complaint will be disclosed.

If investigation reveals that there has been no violation of the law, no information concerning the complaint will be disclosed.

If investigation reveals that there has been a probable violation of the law, upon written or oral request by members of the public and others, information concerning the complaint shall be disclosed as follows:

1. The number of complaints against a specific Board licensee or nonlicensee.
2. The date the complaint was received and the date on which final disposition of the complaint was reached.
3. The disposition of the complaint, as follows:
 - a. Compliance obtained.
 - b. Complaint mediated/resolved.
 - c. Complaint referred for legal and/or disciplinary action (i.e., criminal action, citation issuance, and/or accusation filing).
 - d. Any other action taken, formal or informal.

Disciplinary Actions: Criminal Convictions, Citations, Accusations, and Final Orders/Decisions

The Board shall keep records of disciplinary actions taken, including criminal convictions, citations, accusations, and final orders/decisions, as required by law.

Upon written or oral request by members of the public and others, information regarding citations issued and accusations filed shall be disclosed as follows:

Citations: A citation shall be disclosed once it is issued, along with its procedural status.

Accusations: An accusation shall be disclosed once it is filed, along with its procedural status.

Upon written or oral request by members of the public and others, information regarding final orders/decisions (final citation orders or decisions on accusations) shall be disclosed as follows:

Final Orders/Decisions: Final orders/decisions shall be disclosed once final and effective. Additionally, information shall be provided regarding compliance with the order/decision, as applicable at the time of the request.

In addition to providing information regarding final orders/decisions upon request, the Board will publicize such final orders/decisions by issuing press releases, by publishing articles in Board publications and on the Board's Internet site, and by providing information to the regulatory agencies for engineering and/or land surveying in other states, and in any other manner the Board deems appropriate.

The Board will publicize criminal convictions by publishing articles in Board publications and on the Board's Internet site, and in any other manner the Board deems appropriate. ♦

Q & A

Q. *What's the purpose of publicizing current or past disciplinary actions against a licensee?*

A. *The Board believes that publicizing disciplinary actions serves two consumer protection goals. First, a well-informed public is better able to make intelligent decisions about hiring an engineer or land surveyor. Second, publication of Board disciplinary actions serves as an informal educational tool for licensees and a deterrent against similar violations.*

Q. *When did the Board decide to "go public," and is this legal?*

A. *The information on final disciplinary actions has always been a matter of public record. While the Board has always encouraged consumers to check on the status of any engineer or land surveyor they're considering hiring, the Internet has made the information more readily available. Until the advent of the Internet, it wasn't as easy to make the information readily available to consumers, although news releases are always sent to media around the state.*

Q. *Does this mean that complaints against licensees will be posted on the Board website?*

A. *No. Complaint information will not be published on the website or elsewhere. It is disclosed only upon oral or written request, and only under the circumstances described to the left of this column. There will be a general notice on the website indicating that complaint information is available upon telephone or written request.*

ENFORCEMENT ACTIVITIES

Criminal Proceedings

The Board's Enforcement Unit and the Department of Consumer Affairs' Division of Investigation investigate cases involving unlicensed practice. These cases are forwarded for criminal prosecution to the Office of the District Attorney in the appropriate county. The following are brief summaries of the actions taken by the courts. For further information regarding these matters, please contact the Enforcement Unit.

**SALOMON, MICHAEL
DELIMA JR. , aka MICHAEL
DELIMA SALOMON
Pled guilty to misdemeanor
violation of Penal Code
section 470(a) and Business
and Professions Code
sections 6787(d) and (f)
Three years on probation,
\$450 fine, and restitution**

The Board investigated a complaint from a registered engineer that an unknown person had forged his seal and signature on the engineering portion of a set of plans submitted to the City of Cypress Planning Department. The plans had been submitted by an architect the complainant had never met or worked for. Investigators discovered that Michael Delima Salomon, Jr., a former coworker of the complainant, had prepared the mechanical engineering plans with the complainant's forged seal and signature.

On July 20, 1998, Salomon was charged with a misdemeanor violation of Penal Code section 470(a) for willfully and unlawfully, with intent to defraud, forging and counterfeiting a personalized stamp and signature and with violations of Business and Professions Code section 6787(d) and (f) for use of the seal of another practitioner and misrepresenting himself and using the title of a licensed engineer when he was not licensed.

On September 21, 1998, in the Municipal Court, West Judicial District for the County of Orange, Salomon pled guilty to the charges and was placed on probation for three years and ordered to pay a fine and restitution totaling \$450.



Citations

Citations are an alternative way to enforce the laws prohibiting unregistered or unlicensed practice of engineering or land surveying. Citations are also issued to registered engineers and/or licensed land surveyors when the severity of a violation may not warrant suspension or revocation of a professional's right to practice. When a fine is levied with a citation, payment of the fine represents satisfactory resolution of the matter. [Business & Professions Code section 125.9(d)] Certified copies of citation decisions are available from the Board's Enforcement Unit for ten cents per page plus a two dollar certification fee. Noncertified copies are free. Please include the subject's name and the citation number in your request. All requests must be made in writing.

Patrick O'Malley of Idyllwild, California was cited for violating Business and Professions Code sections 8792(a) and (g). Investigation of a complaint revealed that O'Malley, who is not licensed as a civil engineer or land surveyor, offered to practice land surveying in a contract to survey a lot in Idyllwild, set corners, and record the survey with the City of Riverside.



Investigation of the complaint leading to citation 98-0806-U revealed that Reed Lynn Singleton, who is not licensed as an engineer, used Lynn Reed Singleton's Industrial Engineer stamp and forged Lynn Reed Singleton's signature on plans for a building on Magnolia Avenue in Riverside, then filed those plans with the City of Riverside. Investigation also revealed that he used Lynn Reed Singleton's Industrial Engineer stamp and forged his signature on mechanical engineering plans submitted to the City of Fontana. For these violations of Business and Professions Code sections 6787(a) and (d), Reed Lynn Singleton was fined \$500.

Citation 98-0807-U was also issued to Reed Lynn Singleton for violations of Business and Professions Code sections 6787(a) and (d). Investigation found that Singleton had used Fernando Gil's mechanical engineering stamp and forged Gil's signature on the mechanical engineering portion of plans prepared for Blythe Palo Verde Hospital and on plans for a project in Pomona. Singleton was fined \$500 for these violations.



O'MALLEY, PATRICK KARL
Unlicensed
Citation 98-0808-U
Action: \$250 fine
Final: September 28, 1998

SINGLETON, REED LYNN
Unlicensed
Citation 98-0806-U
Action: \$500 fine
Final: September 28, 1998
Citation 98-0807-U
Action: \$500 fine
Final: September 28, 1998

Disciplinary Actions

Administrative disciplinary actions are taken by the Board against licensees who are in violation of the Professional Engineers Act and/or the Professional Land Surveyors Act. Certified copies of these Board decisions may be obtained from the Board's Enforcement Unit at a charge of ten cents per page plus a two dollar certification fee. Noncertified copies are available at no charge. Please include the subject's name and the accusation number in your request. All requests must be made in writing.

GHORBANZADEH, ALI
Civil Engineer C 34694
Accusation 643-A
Effective April 28, 1999:
Revoked, revocation stayed;
five years on probation

The Board has taken disciplinary action against Civil Engineer license C 34694 issued to Ali Ghorbanzadeh of Davis, California for violations of Business and Professions Code sections 6733 and 6775(b). Ghorbanzadeh stipulated to the truth and correctness of the following facts. His license was issued in 1982, expired on March 30, 1987 without renewal, and lapsed on March 30, 1992. He petitioned the Board for restoration of his expired license, which the Board permitted after he paid current and delinquent registration fees and passed the California Seismic Principles and Engineering Surveying and the California Law and Board Rules examinations. His registration was reissued on March 1, 1997.

Ghorbanzadeh further stipulated that the violations below establish the basis for imposing discipline. In 1992, Ghorbanzadeh submitted engineering plans and calculations for approval by the City of Davis Planning Department for construction of a single-family residence in Davis. The engineering calculations were taken from calculations that were prepared by another engineer and used on other construction projects. The plans were based on a stock plan Ghorbanzadeh had previously used for other construction projects.

The plans and calculations were stamped with Ghorbanzadeh's professional engineer seal before they were submitted, but the stamped seal on the plans had an inaccurate and false handwritten expiration date of August 10, 1994. The stamped seal on the calculations had no indicated expiration. At the date the documents were submitted, Ghorbanzadeh's license was in an expired and lapsed status, a violation of Business and Professions Code section 6733.

In addition, Ghorbanzadeh stipulated that he had subjected his registration to discipline pursuant to Business and Professions Code section 6775 for engaging in acts constituting negligence. The engineering drawings lacked standard details ordinarily included in residential drawings. Among the problems, plywood was not shown on the drawings where the calculations indicated the need for shear-resisting material.

The engineering calculations contained errors and omissions, including, among others, descriptions of certain wall line directions that were confusing and did not correspond with the drawings submitted for approval by the City of Davis. The engineering calculations used the incorrect gypsum board shear value in its analysis, and the equation used to calculate the total base shear for the building was used incorrectly.

As of April 28, 1999, as part of the stipulated settlement, Ghorbanzadeh's license was revoked. The revocation was stayed and he was placed on probation for five years with terms and conditions, including the requirement that he pass a college-level engineering course and a course in professional ethics. He was also ordered to reimburse the Board \$3,785 for costs of investigation and

Disciplinary Terminology

Final or Effective Date: *The date the disciplinary action takes effect.*

Probation: *The licensee may continue to practice under specific terms and conditions.*

Revocation, or revoked: *The license is cancelled and the right to practice is ended.*

Stayed: *The revocation or suspension is delayed.*

Suspension: *The licensee is prohibited from practicing for a specific period of time.*

Voluntary Surrender/Surrender of License: *The licensee turns in the license to the Board. The right to practice is ended.*

enforcement and to notify all clients and employers of the offense, findings, and discipline imposed.



W. M. Hubbard, of Alpine, California, has been a licensed civil engineer since 1948. Accusation 635-A alleges that in early 1996, he violated Business and Professions Code section 6775(b) by signing a report documenting analysis and recommendations regarding pavement design for a street in Alpine, California. Hubbard included "R" value data supposedly based on tests performed by Southern California Soil and Testing, Inc. (SCST). SCST had not done work for the project. Without SCST's knowledge, Hubbard copied old test data compiled on a different project in 1990, made minor changes, and attached it to the January 1996 report. The county discovered the fraud because the information provided was not applicable to the Alpine site.

In addition, on at least 30 different occasions in 1996 and 1997, Hubbard prepared and signed soils reports with false data. He had several sets of documents with soils data and test results but without site location or test dates. Hubbard or his agent would photocopy one of the reports, fill in identifying information, and include it with the soils report for a particular site.

Also in 1996 and 1997, Hubbard violated Business and Professions Code section 6775(d) by aiding and abetting an unlicensed person, Owen Carlton Lemons, who had voluntarily surrendered his civil engineer's license to the Board in 1992, to violate sections 6730 and 6787. Hubbard allowed Lemons to practice civil and soils engineering using his license. In exchange, Lemons paid Hubbard a 10% share of the fees paid by clients.

In a stipulation for revocation, the conservator over Hubbard's person and estate agreed that Hubbard would never again be capable of practicing engineering and that revocation of his civil engineer license C 7193 was appropriate. It was agreed that the allegations in Accusation 635-A are true. The Board accepted the stipulation, and as of December 7, 1998, Hubbard's registration was revoked.



In a Default Decision effective May 5, 1997, the Board took action against Land Surveyor License L 4584 issued to Charles Ray Landers, Jr. The Board found that effective May 9, 1994, Landers' license was suspended for one year. However, the suspension was stayed, and respondent was placed on probation for a period of three years under certain terms and conditions, including a 90-day actual suspension of the license. The license expired on September 30, 1994. On June 6, 1995, the Board filed a Petition to Revoke Probation for violations of the terms and conditions of that settlement and Disciplinary Order. In a Default Decision, Landers' probation was revoked and his license was suspended for one year, effective April 29, 1996.

In a separate action, the Board found that Landers was contracted to perform a boundary survey on property located in Temple City, California, and to file a map. He accepted payment, but failed to complete and timely file a Record of Survey with Los Angeles County. The Record of Survey was never

HUBBARD, W. M.
Civil Engineer C 7193
Accusation 635-A
Effective December 7, 1998:
Revoked

LANDERS, CHARLES RAY JR.
Land Surveyor L 4584
Accusation 608-A
Effective May 5, 1997:
Revoked

LYON, ELVIS DUANE
Civil Engineer C 24877
Geotechnical Engineer
GE 547
Accusation 517-A
Effective May 5, 1997: One-
year suspensions, stayed;
two years on probation

recorded, nor was a corner record filed with the county surveyor as required, subjecting Landers to disciplinary action under Business and Professions Code section 8780(a) and (f) for fraud, deceit, negligence, and/or incompetency in the practice of land surveying as well as a breach of contract. Effective May 5, 1997, the Board revoked Landers' license.



Disciplinary action was taken against Civil Engineer License C 24877 and Geotechnical Engineer License GE 547, issued to Elvis Duane Lyon of Upland, California. In the Stipulation, Decision and Order effective May 5, 1997, it was agreed that Lyon had subjected his licenses to disciplinary action under Business and Professions Code sections 6775 and 6775(b) for incompetence or negligence.

In the course of performing professional engineering work on a residential housing development, Lyon failed to conduct an adequate review of the sewage system design layouts for the septic tank and leach lines set forth in the grading plan before signing the plans as soils engineer. His sewage system design layouts of the septic tank and leach lines failed to meet the design criteria and recommendations of the percolation feasibility study.

Lyon's licenses were suspended for one year each, but the suspensions were stayed and he was placed on probation for two years under certain terms and conditions, including the requirement that he successfully complete and pass a Board-approved course in professional ethics within two years of the effective date. In addition, Lyon was required to reimburse the Board for the costs of the investigation and enforcement of the case in the amount of \$12, 631.35, with full payment to be made within 24 months of the effective date.



LAROUÉ, MICHAEL
CARLOS
Civil Engineer C 22783
Accusation 638-A
Effective March 18, 1999:
Two-year suspension, stayed;
two years on probation

The Board imposed disciplinary action against Civil Engineer License C 22783 issued to Michael Carlos Laroue for violations of Business and Professions Code sections 8762(e), 8766.5, 8769, and 8774.5 regarding filing of records of survey with the county recorder or county surveying department.

In September of 1996, Laroue submitted a survey of real property in the City of Los Angeles to the County of Los Angeles for checking and filing, but refused to submit the checking fee. He claimed that requiring such a fee violates provisions of the U. S. Constitution.

The Board also found that in June 1997, Laroue submitted a survey of real property in the County of Los Angeles for checking and filing but failed to complete the submittal by paying the required filing fee. Laroue sent a letter to the county requesting a waiver of any fees related to processing the record of survey. He wrote that "the filing is not mandatory, since that would conflict with Article I, section 10, paragraph 1 of the Constitution . . ."

The Board found Laroue's license subject to discipline for failure to pay required filing fees and for failure to file records of survey within the required 90-day limit. His license was suspended for two years, but the suspension was stayed and he was placed on probation for two years. Conditions of probation included the requirement that he pay \$4,800.50 to the Board for investigation and enforcement and that he file the records of survey, pay his filing fees, and

pay any additional fees or penalties imposed.



Land Surveyor License L 5045 issued to Loreto Monta Manuel was revoked by the Board, effective March 13, 1994, for violation of Business and Professions Code section 8780 for negligence, incompetence, for aiding and abetting Fred Guenther in violating the Professional Land Surveyors' Act, and for failure to follow applicable laws and regulations, all in relation to work on real property in Brisbane, California.

On June 22, 1998, revoked former licensee Fred Guenther, who obtained a special power of attorney from Loreto Manuel, signed and filed a Petition for Reinstatement of Revoked License on Manuel's behalf.

On September 18, 1998, Guenther appeared before the Board; Manuel was not present. Guenther told the Board that Manuel would promise the Board to pay his fees, keep the Board informed of his whereabouts, and undertake certain corrective actions relating to the property in Brisbane which led to the 1995 revocation, but no supporting evidence was presented. The Board found that Manuel presented no evidence of rehabilitation and that there was no showing that he understands why his license was disciplined or that he will not conduct himself similarly in the future. The Board denied the petition for reinstatement.



The Board has taken disciplinary action against Civil Engineer license C 45951 issued to Craig L. Marshall of Las Vegas, Nevada for violations of Business and Professions Code section 6775(b). In a stipulated decision and order, Marshall admitted he is subject to disciplinary action for negligence and deceit in the practice of professional engineering.

In 1997, Marshall entered into a stipulation with the Utah Licensing Department admitting to critical engineering problems concerning his work on a 1993 project in Salt Lake City.

In 1998, the Nevada State Board of Professional Engineers and Land Surveyors initiated an action against Marshall's Nevada license for performing engineering work without his employer's consent. During the hearing and under oath, Marshall initially represented that he did not have a license to practice engineering in California. He later retracted this false statement during the hearing.

As of May 10, 1999, Marshall's California license is revoked, but revocation is stayed and Marshall is on probation for two years with terms and conditions, including the requirement that he obey all laws including full compliance with the disciplinary orders of the Utah and Nevada licensing agencies. His license is suspended for fifteen days and he is required to complete and pass, with a grade of "C" or better, a college-level course related to the area of engineering work described in the Utah Licensing Department Decision. He is also required to successfully complete a Board-approved course in professional ethics and take and pass the California Laws and Board Rules examination.



continued on page 16. . .

MANUEL, LORETO
Petition for Reinstatement
of Revoked License
Effective December 9, 1998:
Petition denied

MARSHALL, CRAIG L.
Civil Engineer C 45951
Accusation 657-A
Effective May 10, 1999:
Revoked, revocation stayed;
15-day suspension, two
years on probation

McGUIRE, EARL
Civil Engineer C 16463
Accusation 648-A
Effective January 19, 1999:
Revoked, revocation stayed;
three years on probation

Accusation 648-A alleges that Earl McGuire of Camino, California, was negligent in preparation of the design drawings for a cabin remodel project because his work did not comply with applicable building code requirements or acceptable standards of engineering practice. There were discrepancies between his calculations and the drawings.

McGuire admitted to the charges and stipulated to the Board's decision. Effective January 19, 1999, his license was revoked, but revocation was stayed and McGuire was placed on probation for three years. While on probation, he is required to complete three college engineering courses and a course in professional ethics. He must pass the California Laws and Board Rules exam. He was also ordered to reimburse the Board \$14,437.50 for investigative and enforcement costs and to pay the homeowner \$1,025.



NGUYEN, DINH H.
Civil Engineer C 40210
Accusation 652-A
Effective March 18, 1999:
Revoked

The Board found Dinh H. Nguyen, of Modesto, California, in violation of Business and Professions Code section 6775(b) for negligence in the practice of professional engineering. In April 1995, Nguyen, then an employee of Arrowhead Consultants, Inc., prepared a geotechnical investigation of a site in Roseville, California, for a proposed movie theatre, three commercial buildings, and parking lots.

Nguyen's investigation indicated the subsurface condition along the western perimeter of the site had four different soil stratum, when the site actually contained artificial fill and Mehrten Formation. Nguyen failed to detect the bedrock and artificial fill by the five borings in his report. His investigation stated that he drilled 15 feet along the western perimeter. It is questionable whether Nguyen could achieve a depth of 15 feet due to the hard bedrock condition. He inaccurately stated in his investigation that the site was underlain by young alluvium or floodplain deposits. Additionally, he failed to provide or include design criteria for lateral resistance in his foundation; failed to present the numerical moisture contents he allegedly obtained from the borings, a failure beneath the standard of care; he failed to indicate the numerical blow counts on the boring logs; and he failed to clearly approximate the lithology changes on the logs or show where the samples were taken. Nguyen's investigation did not recommend a capillary moisture break under the slabs and he improperly recommended wetting the silty sand soil during grading to three percent over the optimum. He improperly ran a sieve analysis on a sample from zero to ten feet and failed to state which boring the sample was taken from. Finally, he failed to perform strength tests or obtain blow counts, without which his determination of bearing capacity cannot be substantiated.

The Board found that Nguyen's testimony displayed a lack of knowledge of basic engineering, an inability to correctly interpret data, and a lack of familiarity with the use of reference materials. Further, it found that while some lack of education and skill might be resolved by supervised practice and/or remedial education, no probationary terms could correct the dishonesty and misrepresentations which he apparently believed to be his prerogative because he had an engineering license.

Effective March 18, 1999, Nguyen's license was revoked and he was ordered to pay \$5,581.20 to the Board for costs of investigation in the matter

and was also ordered to pay \$2,400 of the costs of the interpreter in the matter to the Office of Administrative Hearings. In addition, a copy of the Decision was to be provided by the Board to Nguyen's employer at the time of the hearing, the California Department of Transportation.



Accusation 640-A alleges that Joseph N. Ozoa of Modesto, California, was negligent or incompetent in the practice of professional engineering in respect to three projects. The first project was for a proposed fast food restaurant. In 1997, Ozoa prepared and signed plans and structural calculations for the restaurant and submitted the plans for approval. Ozoa failed to check the adequacy of double rafters to support additional weight of a new roof-mounted cooler unit and exhaust fan, and the structural framing plan failed to include several necessary details.

Ozoa undertook a Quick-Lube project in early 1996. He prepared plans and structural calculations for the project, signed and submitted them for approval. The plans and calculations were deficient in many respects, including missing structural calculations for the concrete block walls connecting to the roof, roof diaphragm, how the mansard roof resists gravity loads, earthquake loads, and wind loads. On the concrete block shear walls, the structural calculations were incomplete. The plans contained other omissions and inconsistencies.

From September 1996 through February 1997, Ozoa submitted seven sets of plans and calculations for a motel project to the Ceres Public Works Department for approval. There were errors and/or omissions on the plans and calculations submitted.

Ozoa stipulated to surrender his license and agreed not to reapply for licensure as an engineer or surveyor in California for at least three years from the effective date of the surrender. In addition to meeting all requirements of an original applicant, Ozoa's application will not be considered by the Board until Ozoa pays the Board \$18,000 for costs of investigation and prosecution of this disciplinary action.



OZOA, JOSEPH N.
Civil Engineer C 27219
Accusation 640-A
Effective May 10, 1999:
License voluntarily
surrendered

VACANCIES
Civil Engineering,
Geotechnical Engineering,
and
Land Surveying
Technical Advisory Committees
(CE-TAC, GE-TAC, & LS-TAC)

- The Board is recruiting applicants for two members each on the CE-TAC, GE-TAC, and LS-TAC, to be appointed in July 1999. The committees advise and assist the Board in matters related to civil and geotechnical engineering and land surveying.
- Each TAC has five Board-appointed members who serve a two-year term. Members can be reappointed for one additional two-year term.
- TAC members receive per diem and expenses, but are not paid.
- Applicants must be expert civil or geotechnical engineers or land surveyors and hold current, valid, and unrestricted licenses.
- Applicants should not have been subject to Board disciplinary action and should not be under investigation by the Board.

Applications and Deadline

- Applications are available at the Board office or by contacting Christina Metzen by telephone at 916/263-2276, or by e-mail at christina_metzen@dca.ca.gov
- Positions will be filled in July 1999.
- Applications will be evaluated by Board staff, Civil Engineering Board Member Ted Fairfield, P. E., Geotechnical Engineering Board Member Jim Foley, P. E., and Land Surveyor Board Member George Shambeck, P. L. S.
- Appointments will be made by the Board.

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The 1998 Professional Engineers and Professional Land Surveyors Roster includes licensee information as of March 31, 1998. It may be ordered by sending a letter to: **Department of General Services Publications Section, P. O. Box 1015, North Highlands, CA 95660**. Include order number 7540-957-1100-0 and enclose a check or money order for \$50.00 (includes shipping and handling) payable to: **Procurement Publications**. Shipping delivery is not made to post office boxes; you must include your street address. If you have any questions, contact the Department of General Services directly at (916) 574-2200.

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